

41



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BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			NGUYEN, DUC MINH	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/122,484
Filing Date: July 24, 1998
Appellant(s): LATTER ET AL.

MAILED

MAR 09 2005

Technology Center 2600

Jason White
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/3/2005.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

Appellant's brief does not include an issues statement.

(7) *Grouping of Claims*

Art Unit: 2643

The rejection of claims 57-66, and 68-93 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

5,905,774	Tatchell et al.	5-1999
5,497,414	Bartholomew	3-1996
6,167,119	Bartholomew et al.	12-2000 (newly cited)
5,033,076	Jones et al.	7-1991

(10a) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2643

2. Claims 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew (5,497,414) in view of Tatchell et al (5,905,774).

Consider claims 57-59. Bartholomew teaches a method and a system for processing a call from a calling party at a calling communication station to a called party communication station, comprising a switch (SSP 11-17, fig(s). 2; column(s) 5, line(s) 27-52) operative to generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station (e.g., TCAP query includes a service key which is the calling party's address and digits representing the called party address, column(s) 6, line(s) 6-19); a service control point (ISCP 40, fig(s). 2) coupled with the switch, the SCP being operative to determine whether standard caller ID information for the calling communication station can be provided to the called communication station by analyzing information contained within the query (e.g., comparing the calling party's address or calling party number with data stored in the call processing record (CPR); column(s) 6, line(s) 40 to column(s) 7, line(s) 62); and a service node (a peripheral unit under network control of the ISCP, column(s) 6, line(s) 60 to column(s) 7, line(s) 8) coupled with the SCP, the service node being operative to transmit a request for PIN or password to the calling communication station in response to a determination that the standard caller ID information cannot be provided to the called communication station (column(s) 7, line(s) 6-8). Bartholomew further teaches in response to this request if the caller keys a special privacy override code (PIN or password) then the call is completed without providing any caller identification information to the called communication station (col. 7, line(s) 53-62).

Bartholomew does not teach requesting for audible caller ID information to the calling communication station in response to a determination that the standard caller ID information cannot be provided to the called communication station and being operative to transmit the audible caller ID information to the called communication station.

Tatchell teaches an apparatus for processing a call from a calling party (calling party 22) at a calling communication station to a called communication station (i.e., subscriber 17a-17n), comprising means for determining whether standard caller identification information for the calling communication station can be provided to the called communication station (e.g., the CLID cannot be verified or detected; column 20 lines 50-51; see figures 8a-b steps 103 and 106); means for transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station (e.g., agent obtains caller's name as delivered over the network or by asking the caller to say their name; figure 8b step 106) for the purposes of providing an improved call screening and prioritization of incoming calls (column(s) 20, line(s) 39-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Tatchell into the teachings of Bartholomew for the purposes mentioned above.

(10b) New Ground of Rejection

Claim Rejections - 35 USC § 103

Art Unit: 2643

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 66, 68-72, 75-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew (5,497,414) in view of Tatchell et al (5,905,774).

Consider claims 60, 64, 68. Bartholomew teaches a system for processing a call from a calling party at a calling communication station to a called party communication station, comprising a switch (SSP 11-17, fig(s). 2; column(s) 5, line(s) 27-52) operative to generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station (e.g., TCAP query includes a service key which is the calling party's address and digits representing the called party address, column(s) 6, line(s) 6-19); a service control point (ISCP 40, fig(s). 2) coupled with the switch, the SCP being operative to determine whether standard caller ID information for the calling communication station can be provided to the called communication station by analyzing information contained within the query (e.g., comparing the calling party's address or calling party number with data stored in the call processing record (CPR); column(s) 6, line(s) 40 to column(s) 7, line(s) 62); and a service node (a peripheral unit under network control of the ISCP, column(s) 6, line(s) 60 to column(s) 7, line(s) 8) coupled with the SCP, the service node being operative to transmit a request for PIN or password to the calling communication station in response to a determination that the standard caller ID information cannot be provided to the called communication station (column(s) 7, line(s) 6-8). Bartholomew further teaches in response to this request if the caller

Art Unit: 2643

keys a special privacy override code (PIN or password) then the call is completed without providing any caller identification information to the called communication station (col. 7, line(s) 53-62).

Bartholomew does not teach requesting for audible caller ID information to the calling communication station in response to a determination that the standard caller ID information cannot be provided to the called communication station and being operative to transmit the audible caller ID information to the called communication station.

Tatchell teaches an apparatus for processing a call from a calling party (calling party 22) at a calling communication station to a called communication station (i.e., subscriber 17a-17n), comprising means for determining whether standard caller identification information for the calling communication station can be provided to the called communication station (e.g., the CLID cannot be verified or detected; column 20 lines 50-51; see figures 8a-b steps 103 and 106); means for transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station (e.g., agent obtains caller's name as delivered over the network or by asking the caller to say their name; figure 8b step 106); and canceling the call in response to input from the called communication station (see figure 8d steps 116-119) for the purposes of providing an improved and user-defined call screening and prioritization of incoming calls (column(s) 20, line(s) 39-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Tatchell into the teachings of Bartholomew for the purposes mentioned above.

Consider claims 61-63. Bartholomew further teaches the limitations of claims 61-63 in (column(s) 6, line(s) 60 to column(s) 7, line(s) 43).

Consider claim 65. Tatchell further teaches the step of transmitting a request for the calling party to speak his or her name (see figure 8b).

Consider claim 66. Tatchell teaches all the subject matter claimed, note see the rejection of claim 60, and further teaches the step of transmitting a text message to the called communication station (e.g., transmitting a text message, and translating the text message to speech; column 18 lines 39-63). Tatchell's column(s) 18, line(s) 56-59, and column(s) 21, line(s) 14-16 disclose the use of text to speech translation in order to provide audible caller ID information to the subscriber. Of course, in case a conventional caller ID information (e.g., not an audible caller ID) to be delivered to the subscriber, there is no need for text to speech translation. Instead, caller ID information in text form would be transmitted to the subscriber.

Consider claims 69-72, 76, 91-93. Bartholomew teaches a system for processing a call from a calling party at a calling communication station to a called party communication station, comprising a switch (SSP 11-17, fig(s). 2; column(s) 5, line(s) 27-52) operative to generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station (e.g., TCAP query includes a service key which is the calling party's address and digits representing the called party address, column(s) 6, line(s) 6-19); a service control point (ISCP 40, fig(s). 2) coupled with the switch, the SCP being operative to determine whether standard caller ID information for the calling communication station can be provided to the called communication station by analyzing information contained within the query (e.g., comparing the calling party's address or calling party number with data

Art Unit: 2643

stored in the call processing record (CPR); column(s) 6, line(s) 40 to column(s) 7, line(s) 62); and a service node (a peripheral unit under network control of the ISCP, column(s) 6, line(s) 60 to column(s) 7, line(s) 8) coupled with the SCP, the service node being operative to transmit a request for PIN or password to the calling communication station in response to a determination that the standard caller ID information cannot be provided to the called communication station (column(s) 7, line(s) 6-8). Bartholomew further teaches in response to this request if the caller keys a special privacy override code (PIN or password) then the call is completed without providing any caller identification information to the called communication station (col. 7, line(s) 53-62).

Bartholomew does not teach requesting for audible caller ID information to the calling communication station in response to a determination that the standard caller ID information cannot be provided to the called communication station and being operative to transmit the audible caller ID information to the called communication station.

Tatchell teaches an apparatus for processing a call from a calling party (calling party 22) at a calling communication station to a called communication station (i.e., subscriber 17a-17n), comprising means for determining whether standard caller identification information for the calling communication station can be provided to the called communication station (e.g., the CLID cannot be verified or detected; column 20 lines 50-51; see figures 8a-b steps 103 and 106); means for transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station (e.g., agent obtains caller's name as delivered over the network or by asking the caller to say their name; figure 8b step 106);

Art Unit: 2643

and transferring the call to a voice mail system (or another location, e.g., redirect the call; column(s) 21, line(s) 38-40) in response to input from the called party (col. 21, ln. 20-40) for the purposes of providing an improved call screening and prioritization of incoming calls (column(s) 20, line(s) 39-41). Tatchell's column(s) 21, line(s) 30-40 clearly teaches transmitting a message to the calling communication in response to input from the called communication station (e.g., if the call is rejected 117, the agent forwards or sends the call to screen block announcement).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Tatchell into the teachings of Bartholomew for the purposes mentioned above.

Consider claim 75. Tatchell further teaches the steps of recording the audible caller identification information and transmitting the recorded audible caller identification information to the called telephone station (column 16 lines 20-35).

Consider claims 77, 84, 90. Bartholomew teaches a system for processing a call from a calling party at a calling communication station to a called party communication station, comprising a switch (SSP 11-17, fig(s). 2; column(s) 5, line(s) 27-52) operative to generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station (e.g., TCAP query includes a service key which is the calling party's address and digits representing the called party address, column(s) 6, line(s) 6-19); a service control point (ISCP 40, fig(s). 2) coupled with the switch, the SCP being operative to determine whether standard caller ID information for the calling communication station can be provided to the called communication station by analyzing information contained within the query (e.g., comparing the calling party's address or calling party number with data

Art Unit: 2643

stored in the call processing record (CPR); column(s) 6, line(s) 40 to column(s) 7, line(s) 62); and a service node (a peripheral unit under network control of the ISCP, column(s) 6, line(s) 60 to column(s) 7, line(s) 8) coupled with the SCP, the service node being operative to transmit a request for PIN or password to the calling communication station in response to a determination that the standard caller ID information cannot be provided to the called communication station (column(s) 7, line(s) 6-8).

Bartholomew does not teach requesting for audible caller ID information to the calling communication station in response to a determination that the standard caller ID information cannot be provided to the called communication station and being operative to transmit the audible caller ID information to the called communication station.

Tatchell teaches an apparatus for processing a call from a calling party (calling party 22) at a calling communication station to a called communication station (i.e., subscriber 17a-17n), comprising means for determining whether standard caller identification information for the calling communication station can be provided to the called communication station (e.g., the CLID cannot be verified or detected; column 20 lines 50-51; see figures 8a-b steps 103 and 106); means for transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station (e.g., agent obtains caller's name as delivered over the network or by asking the caller to say their name; figure 8b step 106) for the purposes of providing an improved call screening and prioritization of incoming calls (column(s) 20, line(s) 39-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Tatchell into the teachings of Bartholomew for the purposes mentioned above.

Consider claims 78-79, 85-86. Bartholomew further teaches that the service control point is operative to determine whether the standard caller identification information for the calling communication station is unavailable or incomplete (column(s) 6, line(s) 60 to column(s) 7, line(s) 27).

Consider claims 80 and 87. Bartholomew further teaches that the service control point is operative to determine whether the standard caller identification information for the calling communication station is blocked (column(s) 6, line(s) 60 to column(s) 7, line(s) 27).

Consider claims 81 and 88. Tatchell further teaches that the service node is operative to transmit audible messages to the calling communication station (column 21 lines 20-47).

Consider claims 82 and 89. Tatchell further teaches that the service node is operative to transmit audible messages to the called communication station (see figures 8a-d, step 106).

Consider claims 83 and 90. Tatchell further teaches that the service node is operative to receive and respond to input from the called communication station (column 21 lines 20-40).

3. Claim 73 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew (5,497,414) in view of Tatchell et al (5,905,774) as applied to claims 60, 69-71 above, and further in view of Bartholomew et al (6,167,119).

Consider claim 73. Bartholomew's 414 in view of Tatchell does not teach transmitting a request for the calling party to speak the name of the party upon whose behalf he or she is calling.

Bartholomew'119 teach transmitting a request for the calling party to speak the name of the party upon whose behalf he or she is calling (column(s) 43, line(s) 11-36) for the purposes of identifying individual who has been identified by voice only (e.g., caller id is not detected).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Bartholomew'119 into the teachings of Bartholomew'414 in view of Tatchell for the purposes mentioned above.

4. Claim 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew (5,497,414) in view of Tatchell et al (5,905,774) as applied to claims 60, 69-71 above, and further in view of Jones et al (5,033,076).

Consider claim 74. Bartholomew in view of Tatchell does not teach transmitting message to indicate that the called communication does not accept calls from an unidentified calling party.

Jones teaches transmitting message to indicate that the called communication does not accept calls from an unidentified calling party (see the entire abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Jones into the teachings of Bartholomew in view of Tatchell, so that called party can screen or monitor the incoming call before answering the call in order to avoid answering nuisance, harassment, or unimportant calls.

(11) Response to Argument

In response to appellant's arguments regarding that none of the references teach "determining whether standard caller ID information for the calling communication station can be provided to the called communication station by analyzing information contained within the query". In contrast to appellant's assertions, Bartholomew clearly teaches a switch (SSP 11-17, fig(s). 2; column(s) 5, line(s) 27-52) operative to generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station (e.g., TCAP query includes a service key which is the calling party's address and digits representing the called party address, column(s) 6, line(s) 6-19); a service control point (ISCP 40, fig(s). 2) coupled with the switch, the SCP being operative to determine whether standard caller ID information for the calling communication station can be provided to the called communication station by analyzing information contained within the query (e.g., comparing the calling party's address or calling party number (CPN) with data stored in the call processing record (CPR); column(s) 6, line(s) 40 to column(s) 7, line(s) 62). This response is applied to claims 57-60, 68-69, 70-71, 91-93.

With respect to dependent claims 61-63 and 78-80, 85-87, Bartholomew's column(s) 6, line(s) 40 to column(s) 7, line(s) 62 clearly disclose analyzing data contained within a query (calling party's address or calling party number (CPN); column(s) 6, line(s) 6-19) to determine whether caller ID information is either unavailable, incomplete or blocked (also see fig(s) 4A-C).

With respect to dependent claim 64, Tatchell's column(s) 21, line(s) 30-40 suggests that the agent provides options to the subscriber (e.g., accept, reject or redirect the call).

With respect to dependent claims 65 and 93, Tatchell's column(s) 21, line(s) 30-40 clearly teaches transmitting a message to the calling communication in response to input (either

Art Unit: 2643

by voice response (IVR) or by DTMF; see column(s) 11, line(s) 25-33; column(s) 16, line(s) 28-30; column(s) 21; line(s) 65 to column(s) 22, line(s) 8; column(s) 22, line(s) 36-38) from the called communication station (e.g., if the call is rejected 117, the agent forwards or sends the call to screen block announcement).

With respect to dependent claim 66, Tatchell's column(s) 18, line(s) 56-59, and column(s) 21, line(s) 14-16 disclose the use of text to speech translation in order to provide audible caller ID information to the subscriber. Of course, in case a conventional caller ID information (e.g., not an audible caller ID) to be delivered to the subscriber, there is no need for text to speech translation. Instead, caller ID information in text form would be transmitted to the subscriber.

With respect to dependent claim 74, please see the rejections of claim 74 above.

With respect to dependent claim 76, Tatchell clearly teaches the use of dual tone multi-frequency tones (see column(s) 11, line(s) 25-33; column(s) 16, line(s) 28-30; column(s) 21; line(s) 65 to column(s) 22, line(s) 8; column(s) 22, line(s) 36-38).

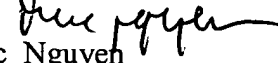
With respect to claims 77 and 84, please see the rejections of claims 77 and 84 above.

(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Art Unit: 2643


Respectfully submitted,


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Art Unit 2643

March 4, 2005

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